

DELEGATED OFFICER REPORT

Application Ref: F/22/93840

Site Address: Nunton Cottage, Beacon Road, West End, Southampton, SO30 3BR

Case Officer: Summer Sharpe

Description: Erection of 1no. detached, two-storey dwellinghouse with garage and new access drive from Beacon Road.

Particular Site Constraints?	Yes ☒	No ☐
- Within urban edge - HRA screening: SAC, SPA, Ramsar - Nature Conservation - Special Protection Area – Recreation Disturbance Zone - TPO (617-E) (Yew tree)		

Planning History?	Yes ☒	No ☐
Application no.	Proposal	Decision
F/09/66267	Construction of two storey side extension, front porch & single storey rear extension following demolition of existing extensions	Withdrawn
F/10/66682	Construction of two storey side extension, front porch & single storey rear extension following demolition of existing extensions	Permitted (April 2010)
F/20/87242	Erection of 1no. four-bedroom dwelling with integral garage and new access drive	Withdrawn
F/21/90150	Erection of 1no. detached, two-storey dwellinghouse with integral garage and new access drive from Beacon Road	Withdrawn
F/22/92340	Erection of 1no. detached, two-storey dwellinghouse with garage and new access drive from Beacon Road.	Refused (April 2022)

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>10no. objections, summarised as follows:</u> (a) concerns about the previous TPO'd yew tree/ trees, (b) visibility splays/ highways safety; vehicles & pedestrians, (c) proposed ecological enhancements not shown, (d) dominance, (e) loss of privacy upon amenities/ overlooking, (f) noise impact, (g) design; scale, size and mass are visually and architecturally obtrusive, (h) concern about environmental impact, (i) overdevelopment, (j) contrary to EBC Local Plan and NPPF, (k) nature conservation/ protected species/ other animals use the area, and (l) impact upon utilities cabinet.		
Parish Council:	Objection: size, scale, appearance and visual intrusiveness.		
EBC Ecology:	The mitigation, compensation and enhancement measures recommended in the EcIA report by Ecosa (Rev 1, August 2022) are satisfactory and should be implemented. As in my previous ecology consultation responses, I am requesting a landscaping and biodiversity enhancement plan to be conditioned. It should include flowering plants to attract pollinators, a flowering lawn mixture or a flower bed. The trees and shrubs should be native species that will provide flowers and fruits as food for wildlife rather		

	than coniferous species. The plan should also show the location of hedgehog holes in the fences, integral bat and bird roosting features in the building and the hedgehog dome in the garden which were recommended in the Ecological Impact Assessment. A surface water drainage plan is required. If soakaways are proposed, this must be supported by soil infiltration tests or evidence that they are in use in neighbouring properties. The use of an underground rainwater collection tank was suggested in previous applications.
EBC Arboriculturalist:	There have been three recent applications: F/20/87242, F/21/90150 and F/22/92340. As part of the last application, the applicant submitted the arboricultural report originally submitted for F/20/87272 (dated March 2020) and we raised a holding object, requesting updated information. We are pleased to see that this has been provided within this current application. The report, regarding the proposed development, including the access and parking, is suitable and its compliance will be conditioned. However, there was also a request to consider a suitable replacement tree for a removed TPO yew. Whilst the opinion of the arboricultural consultant regarding this matter has been noted – principally that a replacement tree should be pursued via other routes and this application, therefore, should not be concerned with it – we do not view this as an unreasonable requested given that the proposed dwelling is in close proximity to the original location of the subject TPO and, therefore, the proposed dwelling (and any associated works, for that matter) could impact on statutory requirement upon the land owner to replant a tree. Securing a new tree within the site via condition seems a more flexible and reasonable approach, and one that the applicant can additionally use to discharge their duty under Section 206 of the Town and Country Planning Act 1990, and potentially for landscape and biodiversity enhancements (if required). At this time, therefore, we raise a holding objection. However, if you are minded to approve the application, and feel that a suitable landscaping proposal can be conditioned, please include the following conditions: 1) No excavation, demolition or development related works shall take place on site until a Tree Planting Plan and Planting Method Statement, as per British Standard 8545:2014, have been submitted and approved by the Local Planning Authority. The approved documents must be adhered to in full and may only be modified subject to written agreement from the Local Planning Authority. Tree planting must take place as soon as possible after completion of the proposed development and no later than the end of the following planting season. If, for a period of no less than 10 years after planting, trees which are

	removed, die or become seriously damaged shall be replaced as soon as reasonably practicable with others of the same species, size and number as originally approved. Reason: to maintain and enhance local tree canopy cover. 2) The development must accord with the arboricultural report reference D2012AIAb. No excavation, demolition or development related works shall commence until the tree protection measures have been installed as per the tree protection plan contained within the report. Once installed, no access by vehicles or placement of goods, chemicals, fuels, soil or other materials shall take place within the protected area. Tree protection measures shall be retained in their approved form for the duration of the work and may only be modified subject to written agreement from the LPA. Reason - To retain and protect the existing trees which form an important part of the amenity of the locality. <i>NOTE: Condition 1 is only required if Landscape and Urban Design or Ecology have <u>not</u> requested a similar one.</i>
EBC Environmental Health:	1) Land Contamination: Where soils are to be imported to site to make up topsoil or subsoil that these should meet with the approval of the LPA, prior to use on site, to ensure that such soils are of suitable quality, and not contaminated such that they give rise to adverse impacts though the creation of pollutant linkages. (2) Pollution: A Construction and Environmental Management Plan is necessary to protect neighbouring dwellings from temporary adverse impact of noise, vibration, or dust. The scheme design should include smooth hard paving to reduce vehicle noise (not gravel or loose granular material, or irregular texture or surface feature), a 2m high close boarded fence or masonry wall around the plot boundary to reduce the likelihood of disturbance from miscellaneous occupying noise, and a lighting scheme compliant with the Institution of Lighting Professionals' publication "Guidance Note 1 for the reduction of obtrusive light" for an Environmental Zone of E2.
Hampshire Highways:	No objection in principle, however a holding objection would be made at this stage, subject to additional information being provided, and conditions being applied as outlined below. Access: It is proposed that a simple vehicle crossover serving the proposed dwelling will be implemented on north-eastern edge of the site, exiting onto Beacon Road. Whilst vehicle flows associated with the site are anticipated to be low (a single dwelling), and the location of the proposed access exceeds the minimum limit of 10m proximity to the junction of Beacon Mews (approx. 11m away) the interaction between the two requires full levels

	of visibility, particularly given the position of both being close to a bend in the highway. Visibility splay drawings have been provided by the applicant, however these have been incorrectly drawn, and the splay heading into private garden areas rather than left and right from the site access, showing how far along Beacon Road drivers will be able to see when exiting the site. Splays should be shown from a point 2.4m into site looking out along the nearside kerb as far as possible, with a 43m measurement the required distance for a 30mph speed limit as in this area. The splay should not be impeded by third party land, or vehicle obstructions such as fences or walls. Any reduction in the require splay would need to be justified with formal speed survey data accordingly. Additionally, an above ground utility box appears to be located within the proposed positioning of the vehicle access. This would result in the utility box needing to be moved, often at significant cost, and as such it is asked that the box position also be shown on updated plans. If found to be within the visibility splay (depending on height) or the vehicle access, then a condition would be requested to ensure works are undertaken to relocate it prior to commencement of development. The applications should also be made aware that subsequent to any positive permission that may be granted by the Case Officer, a secondary permission will be required from HCC as Highway Authority to undertake the works associated with the drop kerb vehicle crossover. Servicing: Bin collections would be kerbside, however as reported in conjunction with previous site applications, there are reports of up to 16 wheelie bins located close to the proposed access point on bin collection day from Beacon Mews. Whilst the relocation of these bins would essentially be for residents of Beacon Mews to deal with, potentially with a bin collection point being placed on the grassed area to the north of their site access, obviously adding to this off site (potential) footway obstruction would not be welcomed. As such a frontal bin collection point for the proposed site should also be considered. Conditions: Access Construction Provision: No development shall start on site until the access, including the footway and/or verge crossing shall be constructed and lines of sight of 2.4 x 43 metres provided in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 1m in height above the adjacent carriageway and shall be subsequently maintained thereafter.
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	Reason: to provide satisfactory access and in the interests of highway safety. Gates Set back Provision: Any gates provided shall be set back a distance of 6m from the edge of the carriageway of the adjoining highway. Reason: in the interests of highway safety. Construction Method Statement Required: No development shall start on site until a construction method statement has been submitted to and approved in writing by the Local Planning Authority, which shall include: a) A programme of and phasing of demolition (if any) and construction work; b) The provision of long term facilities for contractor parking; c) The arrangements for deliveries for associated and all construction works; d) Methods and phasing of construction works; e) Access and egress for plant and machinery; f) Protection of pedestrian routes during construction; g) Location of temporary site buildings, compounds, construction material, and plant storage areas; h) Details of the methodology for ensure dirt is not transferred onto the highway from the site (i.e wheel washers), and onwards mitigation should this fail, such as the employment of mechanical road sweepers, and the subsequent refresh of street lining (as and when required) should this be damaged during the process. Demolition and construction work shall only take place in accordance with the approved method statement. Reason: in order that the Planning Authority can properly consider the effect of the works on the amenity of the locality.
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Policy:

National Planning Policy Framework

National Planning Practice Guidance

Development Plan:

Eastleigh Borough Local Plan 2016-2036

Policies: S1 (delivering sustainable development), S2 (approach to development), S3 (location of new housing), DM1 (General development), DM2 (environmentally sustainable development), DM3 (climate change), DM6 (surface water management), DM11 (nature conservation), DM13 (access), DM14 (parking), DM23 (residential development within urban areas), DM30 (internal space standards), and DM38 (funding infrastructure).

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Hedge End, West End and Botley Character Area Appraisal; Trees and Development.

Site Visit

Yes ☒

No ☐

A site visit was undertaken, 21 February 2022, as part of the previous planning application (F/22/92340).

Assessment:

Site & Surroundings

The application site comprises a detached two-storey dwellinghouse (known as Nunton Cottage) located to the west of Beacon Road. There is a detached garage and driveway located to the north-eastern corner of the site providing access straight onto Beacon Road. The detached dwelling is surrounded by garden, further west there is piece of land which appears to have been latterly acquired. This area is bound by fencing along the northern, western and southern boundaries and is partially separated from Nunton Cottage by a brick wall. This piece of land is the main subject of this application.

The wider surroundings predominantly comprise residential development. Due to the layout and orientation of these plots, the rear gardens of properties along Beacon Mews, Beacon Road, Southern Road and Moorhill Road (A27) adjoin one another. These wider surroundings also form part of HEWEB7.

Proposal

Erection of 1no. detached, two-storey dwellinghouse with garage and new access drive from Beacon Road. This would result in the subdivision of the existing plot associated with Nunton Cottage.

The proposed new dwellinghouse would be located to the west of Nunton Cottage. The proposed dwelling would have access to Beacon Road, thus the boundary treatment comprising 2m fencing would form the south-eastern boundary of Nunton Cottage screening the proposed driveway. The proposed dwelling would be situated almost opposite this entrance point, toward the south-western corner of the plot. The site as a whole is proposed to be bound by 2m fencing.

The proposal will be broken into 3no. elements for ease of description. The main element, the central dwellinghouse, would have a mono-pitched roof sloping from approx. 5m (along the south-western boundary) to approx. 6.3m (fronting into the site). This element would have a footprint of approx. 11.3m by approx. 9m. The second element would be the adjoining single storey side extension which would project 4.4m to the north-west of the dwellinghouse, spanning a width of approx. 5.7m and would have a mono-pitched roof with a maximum height of approx. 3.3m. The third element would be the integral double garage, which would project approx. 6.4m from the south-east of the dwellinghouse, spanning a width of approx. 6.8m and would have a mono-pitched roof with a maximum height of approx. 3.3m. The proposed dwelling would be finished in white render.

Principle

The application site falls within the urban edge, whereby the general principle of residential development is considered to be acceptable. However, this would be subject to the following considerations set out within this report.

Paragraph 11 of the NPPF relates to the presumption in favour of sustainable development, with sub-paragraph d) ii) relating to the decision-taking process, noting that permission should be granted unless *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*. Paragraph 14 elaborates on this stating that where the application involves the provision of housing, the adverse impact of allowing development would be assessed against the criteria laid out (a-d).

Paragraph 60 of the NPPF requires that to support the Government's objective of significantly boosting the supply of homes, it is important that sufficient amount and variety of land can come forward where it is needed. The Council's latest Housing Land Supply

Position Statement (August 2022) shows a supply of deliverable housing in excess of the 5 years as required by the Framework (5.1 years).

Whilst it is noted that the proposal would provide for additional residential development within the urban edge, an area which is acknowledged to be a sustainable location, this contribution would be particularly modest in the form of a single dwelling. Therefore, in light of the Council's 5-Year Housing Land Supply position and in accordance with the NPPF, only a limited degree of weight as a benefit can be given to the scheme, which is not considered to outweigh the material harm arising from the proposal as set out above.

Background

As noted within the history section, planning application F/22/92340 proposed the construction of 1no. detached, two-storey dwellinghouse with garage and new access drive from Beacon Road, similar to this current application. The previous application was refused for the following reasons:

- 1) The proposed dwelling and garage, by reason of their excessive size, scale and appearance, would result in a visually intrusive, and incongruous form of development which would be at odds with and have an unacceptable adverse impact upon the surrounding area. The proposals are therefore contrary to the requirements of Saved Policy 59.BE of the Adopted Eastleigh Borough Local Plan 2001-2011, Draft Policy DM1 of the Emerging Eastleigh Borough Local Plan 2016-2036 and the provisions of the NPPF.*
- 2) Insufficient information has been provided to demonstrate that adequate visibility splays can be provided on site. As such the proposal is contrary to Saved Policies 59.BE and 102.T of the Adopted Eastleigh Borough Local Plan 2001-2011, Draft Policy DM13 of the Emerging Eastleigh Borough Local Plan 2016-2036, and the provisions of the NPPF.*
- 3) The application fails to provide the required mitigation to offset the impacts of the development upon the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC), and New Forest National Park (SPA, SAC and Ramsar sites) from additional recreational pressure and nitrogen and phosphate loading generated by the population increase and additional sewage resulting from the development. The proposal is therefore contrary to the requirements of Saved Policy 25.NC of the adopted Eastleigh Borough Local Plan Review 2001-2011, Policy DM11 of the Emerging Eastleigh Borough Local Plan 2016-2036, the provisions of the NPPF and the Conservation of Habitats and Species Regulations 2017.*

The LPA would like to highlight the main difference between the 2 schemes is the overall Design and siting of the proposed dwelling within the plot. All other matters relating to; amenity (including both; future occupiers and neighbouring properties) ecology, trees and highways would remain pertinent to the consideration of this application.

Design

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbouring, and be compatible in terms of mass, scale, layout density, design and siting.

As set out above the principle of development is considered to be acceptable. It should also further be noted that the subdivision of the plot would be considered acceptable in principle, however, the proposal would need to be acceptable in terms of its design. In this

instance, and as per the previous application (F/22/92340) the proposal is considered to have an excessively large footprint thus resulting in a poor layout. Therefore, whilst the subdivision of the plot is accepted, the dwelling proposed would not be considered appropriate nor acceptable.

The proposed dwellinghouse would be located to the west (rear) of Nunton Cottage and would be situated opposite the proposed driveway, thus views could be obtained from the site from public vantage points along Beacon Road. Whilst it is acknowledged that the proposal would be situated to the rear of Nunton Cottage, it is not considered to negate the requirement to strive and achieve good design, as set out within the abovementioned policies and the NPPF.

The proposals would result in an excessively large property, in terms of both footprint and height. The dwelling would have a two-storey central core sandwiched between two single storey side extensions, thus creating a 'sprawling' footprint resulting in a maximum width of approx. 21m. In addition, the proposals would have a mono-pitched roof form, which is considered to further exacerbate the height and dominance of the proposal, especially when viewed from the eastern (front) elevation. HEWEB7 sets out that the strength of the character of the area is moderate, comprising detached buildings ranging from 1-2 storeys in height, with dormer/ gabled roof forms. The proposal, other than incorporating materials similar to those of Nunton Cottage (render), has not sought to reflect any design characteristics of the wider surroundings nor those specified within the Character Appraisal. The footprint, siting and roof form would therefore appear at odds and would be incongruous when viewed within the surrounding context. As a result of the overall dimensions, the proposal would also result in a cumbersome and discordant addition which would have an adverse impact upon the character of the vicinity.

Paragraph 134 of the NPPF states '*development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents*'. Overall, and to conclude, the proposed dwellinghouse, as a result of its size, scale and appearance, are considered to create an unacceptable form of development at odds with the wider surroundings, detracting from the character and spaciousness of both the existing dwelling on the site, and the surrounding vicinity, thus being contrary to the abovementioned policies, and SPD. In accordance with Paragraph 134 of the NPPF, this development is not considered well designed, nor does it reflect local design policies, thus warranting refusal.

Internal & External Space for Future Occupiers

To ensure adequate internal living standards are met the Local Planning Authority assess the measurements of space against the 'National Described Space Standards' (NDSS) (March 2015). Policy DM30 of the Eastleigh Borough Local Plan (2016-2036) requires that all new dwellings meet the NDSS as a minimum. In addition to internal arrangements, the Quality Places SPD requires all new residential development to provide a garden area of 60% of the host dwellinghouse.

The NDSS sets out the minimum space required for new dwellinghouses, this is dependent upon the number of bedrooms, people who would reside there and storeys. There are also standards relating to sizes of bedrooms; a single occupancy bedroom should measure 7.5m², and a double occupancy bedroom should measure 11.5m².

The application proposes a 3no. bedroom dwelling, however it is unclear how many persons would reside at the proposed dwelling. From the submitted plans, the ground floor would provide approx. 104m² and the first floor would provide approx. 83m². Cumulatively this would result in an overall footprint of 187m², thus exceeding the requirements of the NDSS. The proposed bedrooms would also all measure in excess of 11.5m². Further, from

the submitted floor plans and elevations, it appears that each habitable room would be served by a window and would therefore benefit from sufficient natural light.

In addition, and as set out within the Council's Quality Places SPD, the garden size for new residential development must be at least 60% of the floor space of the host dwellinghouse. From the plans submitted, the proposal would meet this requirement.

Furthermore, it is noted that Nunton Cottage would be retained. This would, as a result, also be subject to ensuring sufficient external amenity was retained. It was noted that the plot of land subject to this application was latterly acquired and was not formerly part of Nunton Cottage's curtilage. As such, the proposal would result in returning Nunton Cottage back to its original curtilage and would therefore be acceptable.

To conclude, the proposals would accord with the abovementioned policies and SPD, as such are considered to be acceptable in this regard.

Impact upon Neighbouring Amenities

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.

The addition of further residential development within an area characterised by residential is considered to be acceptable in this regard.

Due to the nature of the proposals, the Council's Environmental Health Team have been consulted upon as part of this application. Their comments advise that any imported soils should meet the approval of the LPA prior to their use on site, and a CEMP would be required to be submitted to and approved by the LPA. Had the proposals have been acceptable in other regards then these matters could have been secured via condition.

The dwellinghouse would be located to the south-west of Nunton Cottage, separated by approx. 13m, which would also include a 2m high fence approx. 3.7m from Nunton Cottage, (including the introduction of a driveway along the eastern boundary of Nunton Cottage which would be screened by 2m fencing). The Council's Quality Places SPD sets out that there should be a distance of 22m between properties which have rear facing windows opposite. It also notes that *the front of one house should not face the rear windows of another, for reasons of privacy and informal surveillance*. The proposed dwelling would be set to the rear of Nunton Cottage but would not be situated directly behind and would therefore not offer direct views/ overlooking to the rear windows of Nunton Cottage. Whilst the proposal would not comply with this criterion of the SPD, and would be noted as a negative facet of the scheme, the proposed relationship as a result of siting and orientation within the plot would not be considered detrimentally harmful to warrant reason for refusal.

The proposed dwelling would be set in varying amounts from each neighbouring boundary: approx. 14.8m from the north-western boundary, approx. 2.5m from the eastern boundary and between approx. 1.7m – 4.7m from the south-western boundary. From neighbour objections it is noted that there are concerns relating to a loss of privacy. The proposed dwelling would have 2no. windows at first floor level on the southern (rear) elevation, however these would serve bathrooms/ en-suites and would be obscurely glazed, so would not result in any adverse overlooking. It is also considered that neighbouring properties would be situated a sufficient distance from the proposed dwelling thus would not be adversely harmful in terms of overlooking.

However, concern is raised with regard to the siting and dimensions of the proposal. As noted above, the proposal at points, is within close proximity to the neighbouring boundaries. The proposal would appear as a dominant structure within this location,

however due to the separation distance between neighbouring properties, and given the urban location whereby residential gardens adjoin, this type of arrangement is not uncharacteristic. Whilst acknowledging the proposal is not necessarily 'neighbourly' it would not warrant reason for refusal on these grounds.

Overall, and to conclude, whilst the proposals are not considered to be neighbourly, they are not considered to result in an adversely harmful impact upon the amenities of the neighbouring properties and would therefore not warrant reason for refusal on this basis.

Highway Safety, Parking & Refuse Storage

Policy DM13 of the Eastleigh Borough Local Plan (2016-2036) requires that development is or could be well served by public transport, cycling and walking and it includes measures which minimise its impact on the existing highway network. Policy DM14 of the same Plan requires that an appropriate level of car parking be provided in accordance with the Council's adopted standards. The policy provisions are consistent with the requirements of the NPPF and in particular those of paragraphs 107 and 108.

Due to the nature of the proposals, Hampshire County Council (Local Highways Authority (LHA)) have been consulted.

They have raised a 'holding objection' at present. They require further information in relation to visibility splays, the utility box and servicing provisions. Their comments note that should the application be recommended positively, certain matters could and should be conditioned. However, the LPA would raise specific concern with regard to conditioning visibility splays. As per Paragraphs 55-58 of the National Planning Policy Framework (NPPF) conditions should only be imposed where they are: necessary to make the development acceptable, related to the development, and fairly and reasonably related in scale and kind to the development. The comments from the LHA note that the visibility splays provided are incorrect and are also not conclusive that the 2.4 x 43m visibility splays can be met on site, therefore it would not be reasonable to condition this matter, as it is not known whether this could actually be met on site. Further it should be noted that the existing boundary treatment currently comprises a 2m brick wall, which could impact upon visibility splays. Given that access to the site is a fundamental consideration and is paramount to the acceptability of the proposal this information cannot be conditioned. As the Applicant has not provided sufficient information that this matter could be satisfactorily addressed, this would form a reason for refusal.

The Council's SPD sets out that for a 3no. bedroom property there should be the provision of 2 no. off-street parking provisions, this would also be required for the retained property, Nunton Cottage. The submitted location plan shows there would be sufficient parking provisions for both the retained and proposed dwellinghouse in the form of a driveway and garage.

In terms of bin collection, it is noted that this would be kerbside, however as noted within the LHA comments, there are reports of up to 16 wheelie bins located close to the proposed access, which would need to be displaced. There is also concern with regard to the positioning of an existing utilities box which would also need to be relocated.

To conclude, had the application have been acceptable in other regards the amended/ additional information would have been sought and the recommended conditions: access, gates and construction method statement could have been secured. However, as a result of the insufficient information with regard to visibility splays, this would form a subsequent reason for refusal.

Ecology, Drainage & Trees

Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) stipulates that the Borough Council will work with statutory and voluntary agencies and developers to; protect, conserve and enhance areas subject to international, national and local nature conservation designations, and promote the net gain of biodiversity on all sites through the protection, enhancement and connection of existing provisions and new habitats and features compatible with the native biodiversity characteristics of the Borough.

Due to the nature of development, the Council's Arboriculturalist and Ecologist have been consulted.

The Council's Arboriculturalist has raised a holding objection. They raise specific concern with regard to the replacement TPO'd Yew Tree, as no information has been provided in this regard. The Council's Arboriculturalist notes that there is space on site for a replacement tree to be planted and is not regimented in that the replacement needs to be planted where the previous tree was sited. This therefore allows leniencies to position the tree appropriately within the curtilage of the site, which had the application have been acceptable in all other regards, could have been secured as part of a landscaping condition. As the proposal is recommended for refusal, replacement planting for the TPO is likely to be sought by the Council through other channels.

The Council's Ecologist raised no objection to the ecological matters, agreeing with the recommendations of the Ecological Impact Assessment report by Ecosa (June 2020). However, they did advise that a landscaping and biodiversity enhancement plan would be required. Had the application have been acceptable in other regards these matters could have been conditioned.

Drainage

Policies DM3 and DM6 of the Eastleigh Borough Local Plan (2016-2036) stipulate that new development must provide sustainable drainage systems (SuDs) wherever feasible, naturalised filtration should also be included.

A surface water drainage plan has been requested by the Council's Ecologist. This information has not been requested. However, it should be noted that had the application have been acceptable in other regards this information would have been requested, whereby this matter could have been dealt with or been conditioned appropriately.

Sustainability

Policy DM2 of the Eastleigh Borough Local Plan (2016-2036) requires new development to provide a 19% improvement in predicted carbon emissions, and water consumption standards of 110L per person per day.

Other than being situated within a suitable location, the proposals do not provide any sustainability measures. It should be noted, however, that had the proposals have been acceptable in other regards, these requirements would have been secured via condition.

SPA Mitigations

The Council, as the responsible body for Habitats Regulations Assessment (HRA), must ensure as part of a planning application that a development will not have an adverse impact upon any European protected sites, and specifically in this case, the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC) and New Forest National Park (SPA, SAC and Ramsar sites). It is recognised that the addition of residential development would have an adverse impact upon the surrounding designated European protected sites. In this instance, given that the proposal was unacceptable in other regards no Appropriate Assessment has been undertaken, however an assessment of the impact has been completed below.

The Solent & Southampton Water Special Protection Area is an internationally designated conservation site and is protected for its overwintering birds. It is recognised that new house building (within a 5.6km buffer of the designated area) is placing increased pressure on these overwintering birds from more people visiting the coastline. As such the Council requires all housing developments within the buffer to make a financial contribution towards the Solent Recreation Mitigation Strategy, which aims to limit recreational disturbance to our coastline through careful management. The application site falls within the 5.6m buffer and therefore a 3bedroom dwelling would require the mitigation monies of £735 (as of 1 April 2022), which have not been received.

In terms of water quality, Natural England have highlighted that new residential development can have an adverse impact upon the European protected Solent Complex and River Itchen SAC, for the features for which they are designated, through phosphate and nitrogen loading resulting from additional sewage generated from future residents. These impacts under the Conservation of Habitats and Species Regulations 2017 are required to be mitigated in order for development to be acceptable. No mitigation has been proposed or secured as part of this application.

Furthermore, Natural England has also recently raised concern with regard to additional residential development within 13.8km radius of the New Forest. This is considered to have an adverse impact upon the New Forest by way of additional trips resulting in further recreational disturbance. There is a monetary mitigation of £1161 per dwelling to offset the impact upon the New Forest National Park, which has not been received.

The Local Planning Authority acknowledge that these matters could be overcome, subject to the correct monetary mitigations being paid. However, the proposal was not considered acceptable in other regards, therefore this was not sought. As stands the application does not provide the required mitigations to offset the adverse impact upon the protected areas and therefore these matters would contribute towards a reason for refusal.

Equalities Act:

Section 149 of the Equalities Act 2021 created the public sector equality duty. Section 149 states:

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020-2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and emerging plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and emerging plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Emerging local Plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and policy S2 of the Emerging Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Saved Policies 34.ES and 37.ES of the Local Plan, Policies, S1, DM2, and DM3 of the Emerging Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to limit impacts on climate emissions as a result of the development or its use.

Conclusion:

Reasons for Refusal:

- 1) The proposed dwelling, by reason of its excessive size, scale and appearance, would result in a visually intrusive, and incongruous form of development which would be at odds with and have an unacceptable adverse impact upon the surrounding area. The proposals are therefore contrary to the requirements of Policy DM1 of the Eastleigh Borough Local Plan 2016-2036 and the provisions of the NPPF.
- 2) Insufficient information has been provided to demonstrate that adequate visibility splays can be provided on site. As such the proposal is contrary to Policy DM13 of the Eastleigh Borough Local Plan 2016-2036, and the provisions of the National Planning Policy Framework.
- 3) The application fails to provide the required mitigation to offset the impacts of the development upon the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC), and New Forest National Park (SPA, SAC and Ramsar sites) from additional recreational pressure and nitrogen and phosphate loading generated by the population increase and additional sewage resulting from the development. The proposal is therefore contrary to the requirements of Policy DM11 of the Eastleigh Borough Local Plan 2016-2036, the provisions of the NPPF and the Conservation of Habitats and Species Regulations 2017.

Recommendation:

PERMIT ☐

REFUSE ☒